

Important Privacy Notice

Federal Rule of Civil Procedure 5.2 prohibits litigants in a non-habeas proceeding from submitting documents that contain personal information. Unless the Court orders otherwise, personal identifying information in Court filings must be limited as follows:

- Social security numbers, taxpayer-identification numbers, and financial **account numbers must include only the last four digits** (e.g., xxx-xx-1234)
- Birth dates must **include the year of birth only** (e.g., xx/xx/2000)
- Names of persons under the age of 18 must be indicated by **initials only** (e.g., A.B.)

You are responsible for protecting the privacy of this information in your filings. If your documents, including attachments, contain any information that does not comply with this rule, please black out that information before sending your documents to the Court.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Lingling Chen

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Educational Commission for Foreign Medical

Graduates(ECFMG)

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Lingling Chen</u>
	Street Address	<u>814 Linda Ln</u>
	County, City	<u>Allegheny,Pittsburgh</u>
	State & Zip Code	<u>Pennsylvania, 15243</u>
	Telephone Number	<u>4125189771</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name : William W. Pinsky
 Street Address: 3624 Market Street
 County, City: Philadelphia
 State & Zip Code: Pennsylvania, 19104-2685

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Questions



☒ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship: China

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Through emails with ECFMG within the United States.

B. What date and approximate time did the events giving rise to your claim(s) occur? Since March 26th, 2022, after I received email from ECFMG asking me to cease the topic at once.

C. Facts:

Please see attached sheets

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Time loss: I dedicated more than 3,000 hours to preparing for USMLE STEP 1 while juggling the responsibilities of a full-time job and being a committed mother.

Mental distress: I was diagnosed with depression/anxiety disorder during the communication with ECFMG and after ECFMG emailed me "cease your communications on this topic with ECFMG at once." The mental stress has not only had a detrimental impact on my own life but has also placed a significant burden on my family.

Breakdown of Faith in Fairness and Justice: my profound disappointment in the handling of the policy change by ECFMG. I believe that a commitment to honesty, transparency, and evidence-based practices is essential for the credibility and fairness of any organization, especially one tasked with evaluating medical professionals.

Redirecting My Career Path to overcome ECFMG's misleading conduct: ECFMG's misleading conduct compelled me to alter my career path away from my goal of becoming a primary care physician serving underserved populations. To continue my mission of serving the underserved, I invested more effort in enrolling in a nursing program and preparing to apply to medical school to fulfill my dream.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Please see attached sheets

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8 day of October, 2023.

Signature of Plaintiff Ling ling chen

Mailing Address 814 Linda Ln, Pittsburgh, PA, 15243

Telephone Number 4125189771

Fax Number (if you have one) _____

E-mail Address chenlingling1002@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____

Inmate Number _____

III. Statement of Claim:

C. Facts:

I hold a Bachelor of Medicine degree from China, and am a qualified medical graduate in China, which makes me eligible to sit for the medical licensing examination in China. Passing this exam would authorize me to practice general medicine unrestrictedly in China. Historically, at least to the best of my knowledge until though the year 2020, individuals with credentials like me have been allowed to apply for ECFMG certification.

Defendant's Responsibility: ECFMG, the Educational Commission for Foreign Medical Graduates, has a pivotal role in the evaluation and certification of international medical graduates. "ECFMG relies on the determination of the sovereign country in which the medical school is located as to what constitutes a final medical diploma". The mission of the ECFMG is to "provide international medical graduates worldwide with timely, objective information".

Statement of Facts

Initial Application Process: I commenced and f the ECFMG certification process in January 2020 and was assigned a USMLE®/ECFMG® Identification Number of 1-094-862-8. Until October 15, 2020, I did not receive any indications from ECFMG suggesting that I did not meet the criteria for certification.

Document Discrepancy: Despite the assertion from ECFMG in the deficiency letter dated April 26, 2020, that I had not submitted the required documents, my school maintains strict records of all documents signed and dispatched, including my diploma, graduation certificate, and their official English translations. In addition to my own experience, I discovered that many other applicants encountered the same frustrating issue during that period. Despite being certain that their medical schools had mailed the required documents to ECFMG, they were all confronted with deficiency letters from ECFMG stating the same reason for the missing documentation.

Comparative Cases: Notably, individuals with identical education and specialization as mine applied for ECFMG certification in November 2019 and March 2020 and were approved without issues, highlighting the need for transparency and consistency in the application review process.

Communication & Notifications

Initial Notification: On September 17, 2021, ECFMG Supervisor Jessica Yarrison notified me that I did not meet the necessary qualifications for ECFMG certification, subsequently deleting my stored data, and warning me against any future USMLE applications even though ECFMG typically responds with: "If you meet ECFMG's eligibility requirements in the future, you are welcome to reapply, and we will certainly re-evaluate your eligibility at that time."

Policy Change: On October 27, 2021, ECFMG Secretary Suzann C. Paolini provided further information, revealing a policy change that had been implemented in January 2020, rendering me ineligible for certification. This policy alteration was only made publicly known in ECFMG's 2021 Information Booklet, which was distributed on September 30, 2020. However, it's crucial to emphasize that ECFMG did not explicitly specify the effective date of this new policy either in the letters sent to applicants or within the 2021 booklet.

Response to Policy Change: I responded to these notifications, emphasizing that my certification process started in January 2020, at which time no policy change notifications were available.

Subsequent Communications

Clarification Attempts: Despite multiple attempts to communicate with ECFMG, including contacting various officials for evidence of policy change notifications on or before January 1, 2020, my concerns remain unaddressed.

Cease of Communication: In March 2022, ECFMG Senior Vice President & General Counsel Francine Halushka Katz issued a directive urging me to cease communication with ECFMG regarding this matter.

Breach of Mission

Alleged Malpractice: The behavior and lack of transparency displayed by ECFMG seem to contradict its mission, which aims to provide comprehensive and timely information to international medical graduates seeking further education in the United States.

V. Relief:

Based on the aforementioned issues, I propose the following claims

Compensation for Damages

Loss of Time

Detailed Account: Given the historical acceptance by ECFMG of my background and the lack of any policy change notifications until September 2020, I have invested over 3000 hours preparing for USMLE Step 1. This substantial investment of time has been balanced between significant responsibilities at my full-time job and my duties as a dedicated mother. My standard rate for this type of study is \$30 per hour. Therefore, I request compensation for a total of \$90,000, reflecting the hours I invested in this endeavor.

Faith in Fairness and Justice

Loss of Trust: The manner in which ECFMG has handled my case has irreversibly eroded my faith in the principles of honesty, fairness, and justice, which I initially believed were upheld by reputable organizations like ECFMG. I request ECFMG presents evidence to support the policy change as of January 2020.

With a dream of becoming a primary care physician dedicated to serving underserved populations, my initial application to ECFMG was denied, leading me to shift my focus toward a nursing program. Nonetheless, my unwavering passion for patient care within the realm of medicine endured. Through my engagements with various healthcare professionals in my nursing program, particularly clinical physicians, my aspiration to become a primary care physician remains steadfast. These interactions and collaborations with medical experts have further fortified my determination to pursue a career in the field of medicine. Subsequently, I embarked on a two-year journey dedicated to preparing for medical school, during which I invested a significant amount of time away from my family. Achieving a prerequisites GPA of 3.96 has bolstered my confidence in applying to medical schools, reaffirming my commitment to serving those in need through the practice of medicine.

Monetary Compensation for Psychological Distress: I seek monetary compensation in the amount of \$20,000 for the distress and mental anguish caused by the ECFMG's actions.

Compensation for Educational Expenses: I demand compensation for the tuition fees paid to the nursing school and pre-medical school, which totals \$208,050. Potential Medical school tuition fees total to \$400,000.

- 67 semester credit hours for nursing school classes, 45 study hours per credit for a semester, \$20 per hour for study, \$60,300 in total.
- 45 semester credit hours for medical school prerequisites, 45 study hours per credit for a semester, \$30 per hour for study, \$60,750 in total.
- 600 clinical hours for nursing school, \$20 per hour for practice, \$12,000 in total.
- Nursing school tuition: \$60,000
- Transportation and textbooks for nursing school (15 weeks per semester, 5 semesters, 2 times on campus per week, 2 hours' drive for a single trip to campus, \$30 for gas per single trip, \$20 per hour on driving): \$12,000.
- Medical school prerequisites tuition: \$5,000
- MCAT preparation and medical school application fee: \$10,000

- Potential medical school tuition: \$400,000

Compensation for Potential Loss of Earnings: Due to the delay in my ability to practice medicine, I seek compensation for potential loss of earnings during this period, at least 6 years (2-year preparation for prerequisites and 4-year medical school), \$150,000 per year, calculated as \$900,000 (being the number of years delayed multiplied by the expected annual income of a medical practitioner).

Punitive damages: three times the above compensatory damages totals to \$4,854,150.

Accountability and Reform

Request for Clarification on ECFMG Policy Change Notification and Effective Date: I kindly request that ECFMG provides evidence of the timely dissemination and publication of the policy change to international medical graduates. This pertains specifically to a new policy in 2021 Information Booklet, on page 38, which states, "Graduates not eligible for admission to the exams or for ECFMG Certification include, but are not limited to: Graduates with degrees only in stomatology, ayurvedic, or homeopathic medicine; graduates awarded only the diploma of Physician-Epidemiologist-Hygienist, Physician-Biochemist, Physician-Cyberneticist, Physician-Biophysicist, Licensed Medical Practitioner, or Assistant Medical Practitioner; and graduates awarded degrees in specialties other than Clinical Medicine (such as in Traditional Chinese Medicine)." This policy change is noted by ECFMG as effective as of January 2020. I kindly request an explanation for why this policy did not include a specific effective date.

Petition for Equitable Reevaluation of ECFMG Certification and USMLE Eligibility: I request ECFMG to reevaluate and approve my ECFMG certification and USMLE examination eligibility using the same standards applied to applicants from my field of specialization.

Official Apology: I demand a formal, public apology from the ECFMG for their unjust treatment towards me.

In Pursuit of Equitable Policy Reform, a Call for Transparency and Fairness:

ECFMG typically reserves a grace period before enforcing new policy changes. In their standard procedure, ECFMG usually releases new policies along with their respective effective dates. However, in my case, I experienced a departure from this standard procedure. Not only did they swiftly enact the policy change without affording a grace period, but they also communicated this change retroactively. Specifically, ECFMG indicated that the policy had been revised in January 2020. However, they only dispatched emails to applicants along with the 2021 information booklet on September 30, 2021, without providing any prior notification of this policy change. Moreover, even though the revised policy was initially introduced in the 2021 information booklet, ECFMG failed to specify the effective date of this new policy. This significant delay in informing applicants about the policy change exacerbated the confusion and challenges faced by those impacted.

It's important to highlight that Bachelor of Medicine degrees in China typically require five years to complete. Given the substantial investment of time and resources required for these degrees, applicants should reasonably expect a grace period of at least five years to make informed decisions about whether to pursue studies at a medical school in China or explore alternative options. This extended grace period would have allowed applicants the necessary time to plan their educational and career paths effectively.

Through this complaint, I hope to shed light on the unjust and opaque practices exhibited by the ECFMG in handling my case. I anticipate the ECFMG's responsibility in addressing this issue, owning up to their actions, and initiating necessary reforms to prevent such instances in the future. Furthermore, I

believe it's essential to acknowledge that my experience with ECFMG may not be unique. Based on conversations with fellow applicants and individuals within the medical community, I have reason to believe that many others have endured similar stress and frustration due to the unjust and opaque practices exhibited by ECFMG. It is my sincere hope that ECFMG will not only address my case but also take a broader view of the systemic issues at hand. By doing so, ECFMG can demonstrate its commitment to fairness, transparency, and accountability. I urge ECFMG to initiate the necessary reforms to prevent such instances from recurring and to provide a more equitable experience for all future applicants.